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TRANSMITTAL FORM (to be used for all correspondence after initial filing)		Application Number	10/759,337
		Filing Date	January 16, 2004
		First Named Inventor	George TIDMARSH
		Art Unit	1614
		Examiner Name	R. Henley III
Total Number of Pages in This Submission	14 + 44 Refs.	Attorney Docket Number	544922000100

ENCLOSURES (Check all that apply)

<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input checked="" type="checkbox"/> Information Disclosure Statement (3 pages) <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance communication to Technology Center (TC) <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): 1. Form PTO-1449 + copy (10 pages) 2. 44 References 3. Return Postcard
<div>Remarks</div>		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	MORRISON & FOERSTER LLP (Customer No. 25226) Carol M. Gruppi - 37,341
Signature	
Date	November 3, 2004

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PATENT
Docket No. 544922000100

Dated: November 3, 2004

Signature:


(Tia B. Zimmerman)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
George TIDMARSH

Serial No.: 10/759,337

Filing Date: January 16, 2004

For: TREATMENT OF BENIGN PROSTATIC
HYPERPLASIA

Examiner: R. Henley III

Group Art Unit: 1614

**INFORMATION DISCLOSURE
STATEMENT UNDER 37 C.F.R. § 1.97 & 1.98**

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Dear Sir:

Pursuant to 37 C.F.R. §1.97 and § 1.98, Applicants submit for consideration in the above-identified application the documents listed on the attached Form PTO-1449. Pursuant to the USPTO notice dated July 11, 2003, waiving the requirement under 37 C.F.R. § 1.98 (a)(2)(i) to provide copies of U.S. Patents and U.S. Published Applications, copies of those references are not submitted. Copies of foreign documents and non-patent literature are submitted herewith. The Examiner is requested to make these documents of record.

This Information Disclosure Statement is submitted:

- ☐ With the application; accordingly, no fee or separate requirements are required.
- ☐ Before the mailing of a first Office Action after the filing of a Request for Continued Examination under § 1.114. However, if applicable, a certification under 37 C.F.R. § 1.97 (e)(1) has been provided.
- ☒ Within three months of the application filing date or before mailing of a first Office Action on the merits; accordingly, no fee or separate requirements are required. However, if applicable, a certification under 37 C.F.R. § 1.97 (e)(1) has been provided.
- ☐ After receipt of a first Office Action on the merits but before mailing of a final Office Action or Notice of Allowance.
 - ☐ A fee is required. A check in the amount of ___ is enclosed.
 - ☐ A fee is required. Accordingly, a Fee Transmittal form (PTO/SB/17) is attached to this submission in duplicate.
 - ☐ A Certification under 37 C.F.R. § 1.97(e) is provided above; accordingly; no fee is believed to be due.
- ☐ After mailing of a final Office Action or Notice of Allowance, but before payment of the issue fee.
 - ☐ A Certification under 37 C.F.R. § 1.97(e) is provided above and a check in the amount of ___ is enclosed.
 - ☐ A Certification under 37 C.F.R. § 1.97(e) is provided above and a Fee Transmittal form (PTO/SB/17 is attached to this submission in duplicate.)

Applicants would appreciate the Examiner initialing and returning the Form PTO-1449, indicating that the information has been considered and made of record herein.

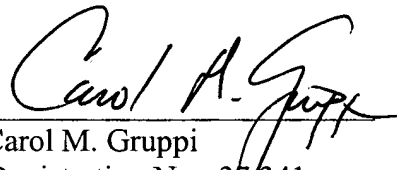
The information contained in this Information Disclosure Statement under 37 C.F.R. § 1.97 and § 1.98 is not to be construed as a representation that: (i) a complete search has been made; (ii) additional information material to the examination of this application does not exist;

(iii) the information, protocols, results and the like reported by third parties are accurate or enabling;
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In the unlikely event that the transmittal form is separated from this document and the Patent Office determines that an extension and/or other relief (such as payment of a fee under 37 C.F.R. § 1.17 (p)) is required, Applicants petitions for any required relief including extensions of time and authorize the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing **544922000100**. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Dated: November 3, 2004

Respectfully submitted,

By 
Carol M. Gruppi
Registration No.: 37,341

MORRISON & FOERSTER LLP
755 Page Mill Road
Palo Alto, California 94304
(650) 813-5777

Substitute for form 1449A/PTO

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

(use as many sheets as necessary)

Sheet 1 of 5

Complete if Known

Application Number	10/759,337
Filing Date	January 16, 2004
First Named Inventor	George TIDMARSH
Art Unit	1614
Examiner Name	R. Henley III
Attorney Docket Number	544922000100

U.S. PATENT DOCUMENTS⁺

Examiner Initials*	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number Kind Code ² (if known)			
	1	6,319,517	08-27-1998	Cavallo <i>et al.</i>	
	2	6,337,087	08-27-1998	Cavallo <i>et al.</i>	
	3	5,260,327	08-04-1992	Kim <i>et al.</i>	
	4	4,684,627	08-13-1984	Leveen <i>et al.</i>	
	5	4,840,939	03-18-1987	Leveen <i>et al.</i>	
	6	6,001,865	05-04-1999	Silvestrini <i>et al.</i>	

FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶

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pa-932523

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Substitute for form 1449A/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT (use as many sheets as necessary)				Complete if Known	
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				First Named Inventor	George TIDMARSH
				Art Unit	1614
				Examiner Name	R. Henley III
Sheet	2	of	5	Attorney Docket Number	544922000100

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials *	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
	7	BELZACQ <i>et al.</i> , Oncogene, 2001, 7579-87, 20.	
	8	BELZACQ <i>et al.</i> , Biochimie, 2002, 167-76, 84.	
	9	BERRUTI <i>et al.</i> , J. Clin. Oncol., 2002, 4150-9, 20(20)	
	10	BESNER <i>et al.</i> , Oncology, 1984, 48-52, 41(supp. 1)	
	11	BESNER <i>et al.</i> , Drug Metabolism Rev., 1997, 219-234, 29(1&2).	
	12	BUNN, J. Clin. Onc., 2002, 23-33, 20(18).	
	13	CALABRESI <i>et al.</i> , Sem. Onc., 1991, 66-72, 18(2).	
	14	CIONINI, Sem. Onc., 1991, 49-52, 18(2) Suppl. 4.	
	15	COMELLA <i>et al.</i> , J. Clin. Onc., 1999, 1526-34, 17(5).	
	16	CORSI <i>et al.</i> , J. Med. Chem., 1976, 778-783, 19(6).	
	17	COSTELLO & FRANKLIN, Oncology, 2000, 269-282, 59.	
	18	COSTELLO <i>et al.</i> , J. Inorg. Biochem., 2000, 161-165, 78.	

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	19	CUNA <i>et al.</i> , Apr., Sem. Onc., 1991, 18-22, 18 (2 supp. 4)		
	20	DE LENA <i>et al.</i> , Eur. J. Can., 2001, 364-8, 37.		
	21	DE LENA <i>et al.</i> , J. Clin. Onc., 1997, 3208-13, 15(10).		
	22	FLORIDI <i>et al.</i> , Arch. Biochem. Biophys., 1983, 73-83, 226(1).		
	23	FLORIDI <i>et al.</i> , Can. Res., Nov., 1981, 4661-6, 41.		
	24	GATZEMEIER <i>et al.</i> , Sem. Onc., 1991, 42-8, 18(2) Suppl. 4.		
	25	GRIMA <i>et al.</i> , Biol. Reprod., 2001, 1500-8, 64.		
	26	HEYWOOD <i>et al.</i> , Chemotherapy, 1981, 91-97, 27 (Suppl. 2).		
	27	IANNIELLO <i>et al.</i> , 1996, Cancer, 63-9, 78(1).		
	28	LOBL <i>et al.</i> , Chemotherapy, 1981, 61-76, 27 (Suppl. 2).		
	29	MANSI <i>et al.</i> , Br. J. Cancer, 1991, 593-7, 64.		

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	30	MUNTZING <i>et al.</i> , J. Med. Primatol., 1975, 245-251, 4.	
	31	ORLANDI <i>et al.</i> , Int. J. Can., 1998, 377-84, 78.	
	32	ORLANDI <i>et al.</i> , Anticancer Res., 1994, 1161-4, 14.	
	33	PACINI <i>et al.</i> , Eur. J. Cancer, 2000, 966-75, 36.	
	34	PAGGI <i>et al.</i> , Ann. NY Acad. Sci., 1988, 358-60, 551.	
	35	PORTALONE <i>et al.</i> , Tumori, 1999, 239-42, 85.	
	36	POSSINGER <i>et al.</i> , Sem. Onc., 1991, 58-61, 18(2) Suppl. 4.	
	37	PRICE <i>et al.</i> , Cancer Chemother. Pharmacol., 1996, 129-135, 38.	
	38	PRIVITERA <i>et al.</i> , Radiother. Onc., 1987, 285-90, 10.	
	39	RAVAGNAN <i>et al.</i> , Oncogene, 1999, 2537-46, 18.	
	40	ROSSO <i>et al.</i> , Sem. Onc., 1991, 62-5, 18(2) Suppl. 4.	

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	41	ROTIN <i>et al.</i> , Int. J. Radiation Oncolgy Biol. Phys., 1984, 1595-8, 10.	
	42	SAVINI <i>et al.</i> , Breast. Can. Res. Treat., 1992, 27-34, 24.	
	43	SCARANTINO <i>et al.</i> , Sem. Onc., 1991, 28-32, 18(2) Suppl. 4.	
	44	SCHIFFER <i>et al.</i> , Sem. Onc., 1991, 38-41, 18(2) Suppl. 4.	
	45	SILVESTRINI, Sem. Onc., 1991, 2-6, 18(2) Suppl. 4.	
	46	SEGRE <i>et al.</i> , Chemotherapy, 1981, 77-84, 27 (Suppl. 2).	
	47	TEICHER <i>et al.</i> , Sem. Onc., 1991, 7-10, 18(2) Suppl. 4.	
	48	TEICHER <i>et al.</i> , Eur. J. Cancer, 1994, 1411-3, 30A(10)	
	49	VIEIRA <i>et al.</i> , Cell Death and Differentiation, 2000, 1146-1154, 7.	
	50	ZANIBONI <i>et al.</i> , Tumori, 1995, 435-7, 81.	

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